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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,056	11/19/2003	Palanisamy Arjunan	2002B169/2	7205
23455 75	90 04/26/2006		EXAMINER RABAGO, ROBERTO	
EXXONMOB 5200 BAYWAY	IL CHEMICAL COMI ORIVE	PANY		
P.O. BOX 2149			ART UNIT	PAPER NUMBER
BAYTOWN, T	X 77522-2149		1713	
		•	DATE MAILED: 04/26/2006	5

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)				
Office Action Comments	10/717,056	ARJUNAN, PALANISAMY				
Office Action Summary	Examiner	Art Unit				
	Roberto Rábago	1713				
4- The MAILING DATE of this communication appeariod for Reply	ears on the cover sheet with t	he correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will reality to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailling earned patent term adjustment. See 37 CFR 1.704(b)	TE OF THIS COMMUNICA 6(a). In no event, however, may a reply ill apply and will expire SIX (6) MONTHS cause the application to become ABANI	FION. be timely filed from the mailing date of this communication. DONED (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on 31 Ma	arch 2006					
	action is non-final.	•				
3) Since this application is in condition for allowant		prosecution as to the morite is				
closed in accordance with the practice under Ex						
	c parto que y o ; 1000 o .b. 1	, 400 0.0. 210.				
Disposition of Claims		•				
4) Claim(s) <u>1,2,4-15,17-29,31-33,35,37-39,41-43</u>		he application.				
4a) Of the above claim(s) is/are withdraw	n from consideration.	•				
5) Claim(s) is/are allowed.						
	,——————————————————————————————————————					
7) Claim(s) is/are objected to.		•				
8) Claim(s) are subject to restriction and/or	election requirement.	·				
Application Papers						
9) The specification is objected to by the Examiner.						
10)☐ The drawing(s) filed on is/are: a)☐ acce	pted or b) objected to by t	he Examiner.				
Applicant may not request that any objection to the di						
Replacement drawing sheet(s) including the correction	- ·	` '				
11)☐ The oath or declaration is objected to by the Exa						
Priority under 35 U.S.C. § 119	·	·				
12) Acknowledgment is made of a claim for foreign p	priority under 35 U.S.C. § 119	9(a)-(d) or (f).				
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents						
2. Certified copies of the priority documents						
Copies of the certified copies of the priority		eived in this National Stage				
application from the International Bureau (
* See the attached detailed Office action for a list of	the certified copies not rece	eived.				
•						
Attachment(s)						
) Notice of References Cited (PTO-892)	4) Interview Summ	ary (PTO-413)				
Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mai	l Date				
) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Information (6) Other:	al Patent Application (PTO-152)				

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DETAILED ACTION

1. Prior rejections over Agarwal '440 and Lehmus '010 are withdrawn in view of amendment. The finality of the Office action mailed 1/3/2006 is withdrawn in view of new grounds of rejection as set forth below.

Claim Rejections - 35 USC § 102

2. Claims 1, 2, 4-9, 12-15, 17, 18, 20-29, 31-33, 35-39, 41, 42 and 45-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Arjunan et al. (US 2004/0132935).

The reference discloses in Examples 1-3, 5, 7, 9, 10, 13, 14 and 15 methods of propylene polymerization comprising the recited polymerization conditions and polymer.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

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be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1, 2, 4-15, 17-29, 31-33, 35, 37-39, 41-43, 45-48 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-35 of copending Application No. 10/681,966. Although the conflicting claims are not identical, they are not patentably distinct from each other because if the copending claims were prior art, they would form the basis for a rejection under 35 USC 102.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. Claims 1, 2, 4-15, 17-29, 31-33, 35, 37-39, 41-43, 45-48 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-157 of copending Application No. 10/667,585. Although the conflicting claims are not identical, they are not patentably distinct from each other because if the copending claims were prior art, they would form the basis for a rejection under 35 USC 102.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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6. Claims 1, 2, 4-15, 17-29, 31-33, 35, 37-39, 41-43, 45-48 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-41 of copending Application No. 10/667,586. Although the conflicting claims are not identical, they are not patentably distinct from each other because if the copending claims were prior art, they would form the basis for a rejection under 35 USC 102.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Objections

- 7. Claims 31 and 32 are objected to because in each claim "then" should be changed to than --.
- 8. Claim 31 is objected to as being a duplicate of claim 2.
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rábago whose telephone number is (571) 272-1109. The examiner can normally be reached on Monday Friday from 8:00 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

> Roberto Rábago **Primary Examiner**

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RR April 25, 2006